

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

LISA E. UPAH,

Plaintiff,

vs.

MERCY MEDICAL CENTER,

Defendant.

Case No. 18-63

NOTICE OF REMOVAL

Defendant Mercy Medical Center, by and through its undersigned counsel, hereby requests removal of the instant action from the Iowa District Court in and for Linn County to the United States District Court for the Northern District of Iowa pursuant to 28 U.S.C. §1331 and 28 U.S.C §1441, and in support thereof as required by Local Rule 81 states as follows:

1. This action was commenced by Plaintiff against Defendant in the Iowa District Court in and for Linn County on November 30, 2017.

2. On May 8, 2018, Plaintiff filed a motion for leave to amend her Petition, attaching a proposed Amended Petition adding a claim against Defendant for alleged violation of the Fair Labor Standards Act, 29 U.S.C. § 203 Plaintiff was permitted leave to amend her Petition by Order dated May 22, 2018. The time has not elapsed within which Defendant is allowed to file this Notice of Removal.

3. The above-entitled action now asserts claims under the Fair Labor Standards Act, 29 U.S.C. § 203, *et seq.*

4. This case is within the original jurisdiction of this Court and is predicated under U.S.C. Title 28, Section 1331, which pertains to civil actions arising under the laws of the United States, which may be removed pursuant to 28 U.S.C. § 1441(b).

5. Attached hereto as Exhibit A are copies of all unsealed process, pleadings and orders served upon Defendant. Plaintiff's petition and Defendant's answer, with amendments, are duplicated in Exhibit B. Attached hereto as Exhibit C is a Statement complying with Local Rule 81(a).

6. No further pleadings or notice has been served upon the Defendant by the Plaintiff in this case.

7. Written notice of this removal has been given to all adverse parties.

WHEREFORE, Defendant prays this Court take jurisdiction of this Notice of Removal and issue all necessary orders and process in order to remove the above-captioned case from the Iowa District Court in and for Linn County to the United States District Court for the Northern District of Iowa, Cedar Rapids Division.

SIMMONS PERRINE MOYER BERGMAN PLC

By: /s/ Thomas D. Wolle
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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2018, I filed the foregoing with the Clerk of Court using the ECF system and sent a true and correct copy by e-mail and/or United States Mail, postage prepaid to the following:

Lynn M. Smith
SWISHER & COHRT, PLC
528 West 4th Street
PO Box 1200
Waterloo, IA 50704-1200

ATTORNEY FOR PLAINTIFF

/s/ Thomas D. Wolle